

## UNITED STATES DISTRICT COURT

for the  
District of Nevada  
CIVIL Division

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COUNSEL/PARTIES OF RECORD		
AUG 22 2022		
CLERK US DISTRICT COURT DISTRICT OF NEVADA		
BY: <u>TRW</u>	DEPUTY	

PARNELL COLVIN

) Case No. 2:22-CV-00082-CDS-DJA  
(to be filled in by the Clerk's Office)

*Plaintiff(s)*

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

TAKO LLC

*Defendant(s)*

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

**COMPLAINT AND REQUEST FOR INJUNCTION****I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Parnell Colvin
Street Address	6681 Tara Ave
City and County	Las Vegas, Clark
State and Zip Code	Nevada 89146
Telephone Number	(503) 490-6564
E-mail Address	PC681@YAHOO.COM

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

## Defendant No. 1

Name	Tako LLC
Job or Title ( <i>if known</i> )	
Street Address	2411 Taragato Ave
City and County	Henderson, Clark
State and Zip Code	Nevada 89052
Telephone Number	
E-mail Address ( <i>if known</i> )	

## Defendant No. 2

Name	
Job or Title ( <i>if known</i> )	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address ( <i>if known</i> )	

## Defendant No. 3

Name	
Job or Title ( <i>if known</i> )	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address ( <i>if known</i> )	

## Defendant No. 4

Name	
Job or Title ( <i>if known</i> )	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address ( <i>if known</i> )	

## II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

Federal question  Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

### A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.  
28 U.S.C Code 1446

### B. If the Basis for Jurisdiction Is Diversity of Citizenship

#### 1. The Plaintiff(s)

##### a. If the plaintiff is an individual

The plaintiff, *(name)* \_\_\_\_\_, is a citizen of the  
State of *(name)* \_\_\_\_\_.

##### b. If the plaintiff is a corporation

The plaintiff, *(name)* \_\_\_\_\_, is incorporated  
under the laws of the State of *(name)* \_\_\_\_\_,  
and has its principal place of business in the State of *(name)* \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

#### 2. The Defendant(s)

##### a. If the defendant is an individual

The defendant, *(name)* \_\_\_\_\_, is a citizen of  
the State of *(name)* \_\_\_\_\_. Or is a citizen of  
*(foreign nation)* \_\_\_\_\_.

b. If the defendant is a corporation

The defendant, (name) Tako LLC , is incorporated under the laws of the State of (name) Nevada , and has its principal place of business in the State of (name) Nevada . Or is incorporated under the laws of (foreign nation) \_\_\_\_\_ , and has its principal place of business in (name) Nevada .

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

Plaintiff case is already before the federal court and will be request amending his complaint which will increase the damage amount.

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**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

Plaintiff federal constitutional rights were violated and right to due process. Plaintiff had suffered a life threatening case of pneumonia covid-19 and was near death and not expected to survive. While plaintiff was in the hospital fighting for his life. Plaintiff was unable to participate in the state case due to his condition medical staff and plaintiff spouse contacted the state court letting them know that the plaintiff could not participate due to all the medications and his condition. The defendant and court still was going to have the hearing anyway so plaintiff had to leave the hospital early to file a notice of removal from state court to federal court. Plaintiff due process and federal civil right were violated. Plaintiff has filed the notice in state court but the state court is still holding a hearing on 08/25/2022.

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B. What date and approximate time did the events giving rise to your claim(s) occur?

January 4, 2022 ( 9:00 Am)

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C. What are the facts underlying your claim(s)? (For example: *What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*) Plaintiff was denied due process and his constitutional rights to participate in his court proceedings in the state court. Plaintiff believes the state court and defendant was taking advantage of plaintiffs condition. Which both knew plaintiff was dealing with a very serious case of pneumonia covid-19 and was not expected to survive. Plaintiff has a federal right to participate in the state court proceedings and face his accusers and their rights were violated and taken away from him. These are federal rights that all citizen are guaranteed to them and mine were taken away. The only remedy for plaintiff was to file a notice of removal from the state court to the federal court. This case is now pending in federal court assigned a case number and judge the defendant Tako LLC, was told since plaintiff filed a notice of removal that they need to address this matter with the federal court instead they have done nothing and just refiled the same case back in the state court rather respond in the federal court. The state court has set a hearing even though it knows the case has been removed and active in federal court.

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#### **IV. Irreparable Injury**

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

Plaintiff was not fully recovered but was forced to have to leave the hospital to file the notice of removal draft his complaint, file with the federal court, then file with the state court and have the defendant Tako LLC, served and plaintiff could not do this from his hospital bed. Therefore plaintiff had to check himself out of the hospital early plaintiff could barely breath could not care for himself including cook, bath or just do basic things. Plaintiff left the hospital with oxygen and oxygen tanks plaintiff had to have a oxygen concentrator machine at home and was on oxygen 24 hours 7 days a week even have to bath and eat while having to be on oxygen and sleep using oxygen.

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#### **V. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plaintiff is requesting an emergency injunction order to be put in place throughout the time his case is being litigated in the federal court so he can file with the state court which case number is (21E014316). Without this order the defendants will keep trying to refile and try this case in state court even though it was removed to the federal court. The defendant Tako LLC, know the case is now in the federal court but is trying to keep bypassing the fact that they must address any issues in the federal court. The emergency injunction order which safeguards and make sure my due process and constitutional right don't continue to be violated by the defendant or state court. The defendant tactic is to keep refile the same case that was removed to federal court the injunction order will put an end to this tactic and plaintiff can keep his focus on litigating his case in the federal court not state court. Plaintiff is requesting that the court sanction the defendant for its conduct and award any damages that court feels is warranted. Thanking the court for its time and consideration

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**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 08/22/2022

Signature of Plaintiff



Printed Name of Plaintiff

Parnell Colvin

**B. For Attorneys**

Date of signing:

Signature of Attorney

\_\_\_\_\_

Printed Name of Attorney

\_\_\_\_\_

Bar Number

\_\_\_\_\_

Name of Law Firm

\_\_\_\_\_

Street Address

\_\_\_\_\_

State and Zip Code

\_\_\_\_\_

Telephone Number

\_\_\_\_\_

E-mail Address

\_\_\_\_\_